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Testimony :: Amb. Nelson Ledsky, read by Ann Duncan

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International Affairs

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On behalf of the National Democratic Institute (NDI), I'd like to thank (Rep. Christopher Smith and Senator Ben Nighthorse-Campbell and all) the members of the Helsinki Commission for arranging this briefing and inviting us to speak and present our views. As we all appreciate, Ukraine is at a historic moment in its 13 years of post Soviet independence. The high voter turnout, 75%, for the election's first round, demonstrates that the citizens of Ukraine recognize the importance of this event. The two candidates, Viktor Yanukovich, the current prime minister, and Viktor Yushchenko, a democratic opposition leader, represent the two paths Ukraine can follow: continued and closer integration to the east or a path towards the community of western democracies and European integration.

Political Situation

The winner of this election will be in a position to set the course for Ukraine's political development, as well as for the country's economic and foreign policies, for his coming five-year term and perhaps well beyond. This moment of decision for Ukraine, therefore, has long-term consequences. This is further accentuated by Russia asserting its economic and political presence among its former Soviet neighbors and by the arrival of the European Union and NATO at Ukraine's borders. It is widely recognized that the stakes in this election are high, and the electoral contest has thus far reinforced this point.

Despite a pre-election effort that was marred by serious violations of Ukrainian legislation and international standards for free and fair elections, the opposition candidate Victor Yushchenko won the first round of voting. He would have come close to winning a majority of votes, the necessary threshold for victory, during the first round had all Ukrainians been able to vote and have their votes counted. As we enter the final week before the run-off election, the outcome depends largely on the willingness of the government to allow the will of the Ukrainian people to be heard.

NDI will do everything possible to make this happen. Two of NDI's partner organizations, the Committee of Voters of Ukraine or CVU, and the European Network of Election Monitoring Organizations, also known as ENEMO, are preparing significant monitoring campaigns for the second round. In addition, NDI is leading an international non-partisan delegation to observe the November 21 election. I would like to call your attention to CVU and ENEMO's findings from the pre-election campaign and first-round election as a way of discussing what changes are necessary for Ukraine's presidential election to be a representation of the people's will.

NDI has supported CVU since the organization's inception in 1994. CVU is a national, non-governmental organization that has been monitoring election campaigns in Ukraine for over ten years. CVU efforts during the election campaign period have been focused on conducting a long term monitoring program in the months leading up to the election, including deploying 94 long-term observers to monitor the pre-election process in the regions. CVU conducted a parallel vote tabulation or PVT and deployed 10,000 trained election observers on October 31. For the second round of voting, CVU plans to conduct a PVT and again deploy 10,000 observers to polling stations throughout the country.

ENEMO is a group of civic organization from 16 countries of the former Soviet Union and Easter Europe. The civic organizations are the leading domestic election monitoring groups in their countries, and have in total observed more than 110 national elections and trained more than 100,000 election monitors. ENEMO conducted a monitoring effort during the first-

round in over 300 polling stations on October 31. For the presidential election's second round, ENEMO will deploy 1,000 election observers across Ukraine. This is the largest international election monitoring mission for the second round.

I would like in closing to mention some of the recommendations made by CVU and ENEMO in the first-round.

1. That the Central Election Commission should take immediate and transparent steps to update voters' lists. And, on election day, Territorial Election Commissions and courts should be provided with efficient staff and other resources to timely process all complaints and enable all those wishing to vote to do so.
2. That government leaders should issue clear, public directives to subordinates that state officials must act in an impartial manner and that state resources must not be used for partisan political activity.
3. The Prosecutors office should ensure that legal provisions against pressuring students and state employees are enforced. It should also enforce prohibitions concerning the misuse of state resources aimed at influencing the outcome of elections.

Conclusion and Closing Remarks

The presence of domestic and international election observation missions will demonstrate to the Ukrainian government and electoral authorities and citizens alike that the conduct and environment of the presidential election is important.

With Yanukovich and Yushchenko essentially tied, the second round promises to be a closely contested race. There is no aura of inevitability for either candidate. Disillusioned voters who sat out the first round may decide that there is something at stake on November 21 after all. Whether this election will be a turning point in Ukraine's development is unclear. But it should be clear that citizens being permitted to vote freely and without intimidation, and in turn, having their votes counted is a necessary first step to Ukraine's democratic development.